

**WASHINGTON STATE BOUNDARY REVIEW BOARD  
FOR KING COUNTY**

**REGULAR MEETING MINUTES**

**December 9, 2004**

**I. CALL TO ORDER**

Chair Jim Denton convened the meeting at 5:30 p.m.

**II. ROLL CALL**

Ellen Abellera

Charles Booth

A. J. Culver

Claudia Hirschey

Roger Loschen

Michael Marchand

Judy Tessandore

**III MINUTES**

Regular Meeting: Chair Denton presented the minutes of the Regular Meeting of November 18, 2004 for review and action by the Board members.

*Action: A. J. Culver moved and Roger Loschen seconded the motion to adopt the minutes of the Regular Meeting of November 18, 2004. The Board voted (7 in favor; 1 abstention) to approve this record. Ellen Abellera abstained because she was absent from the meeting.*

**IV ADMINISTRATION**

**A. CHAIR'S REPORT**

General Business

Chair Denton reported that the Board has been working on several projects, including: (1) coordinating programs with King County Executive/Council 2004 Work Program; (2) coordinating efforts with the State Association to develop and implement a program for work with the CTED Annexation Study, the State Legislature Interim Session, and Legislature 2005; (3) proposed Fairwood Incorporation; (4) pre-development review for future Notices of Intention; and (5) selecting new members to serve on the Board from 2005 – 2009. Committee members and staff will report on each of these activities.

New Officers:

Chair Denton reported that Judy Tessandore would assume the position of Boundary Review Board Chair effective January 2005. Charles Booth will become Chair-Elect. Mr. Denton expressed appreciation for the support of the Board during his tenure. Mr. Denton will continue to serve as a member of the Board.

**B. Committee Reports**

Legislative Committee: Roger Loschen reported that he and Lenora Blauman attended the State House Local Government Committee Meeting on December 2, 2004 in order to hear the presentation of the CTED Annexation Issues Study. The presentation was based upon the preliminary CTED Study Report provided to our Boundary Review Board in November, 2004. (A complete final report is available from the Boundary Review Board Office upon request.)

Mr. Loschen stated that the Study Team provided a summary of the information concerning obstacles to annexation and strategies to encourage annexation as developed from a survey of officials from the six buildable lands counties (and the cities within those counties.) The complete CTED Report has been previously provided to our Boundary Review Board. A summary of issues, options, and recommendations relating to the structure and function of boundary review boards is enclosed – see Attachment A.)

Mr. Loschen stated that the Study – and presentation of the findings to the Local Government Committee – appears to provide a balanced statement of the broad range of views expressed by the various government agencies with respect to the obstacles to and incentives for annexation in urban counties.

Mr. Loschen and Mrs. Blauman reported that those jurisdictions which are most interested in modifications to (or elimination of) the role of the Boundary Review Board have reported concerns that the Board provides an unnecessary level of review and/or Board decisions appear to be in conflict with the legal criteria applicable to annexation..

Mrs. Blauman reported that King County supports our Boundary Review Board as the agency most appropriately responsible for review and decision making with respect to annexations.

Mrs. Blauman reported that the members of the Local Government Committee listened attentively to the CTED Report. Mr. Loschen and Mrs. Blauman had been particularly interested to hear feedback from the Committee members. However, the questions and comments were few at this time. A formal review of the Report – and consideration of recommendations for legislation proposed in conjunction with this Study – will begin in January 2005.

#### Personnel Committee:

*Boundary Review Board Membership:* Personnel Committee members and Mrs. Blauman are continuing to work with the Office of the Governor, the Office of the King County Executive, the Cities of King County, and the Special Purpose Districts to secure new appointments and reappointments by January 2005 or the earliest feasible date thereafter.

As stipulated by RCW 36.93, the existing Board members will continue to serve until reappointments and new appointments are confirmed by the various appointing government agencies.

### **C. Executive Secretary's Report**

Fairwood Incorporation: Mrs. Blauman reported that the review of the proposed Fairwood Incorporation is proceeding according to the requirements established in RCW 35.02 (Incorporation Proceedings) and RCW 36.93.

A Public Information Meeting, hosted by the Board, is required as the initial activity for a proposed incorporation. The meeting is intended to provide information about the proposed incorporation to residents and property owners of the entire unincorporated urban area defined as Fairwood and Spring Glen communities (located in the City of Renton Potential Annexation Area),

The Meeting will include the following activities:

- Fairwood Community Task Force will describe the incorporation plan and respond to questions about governance of the proposed new city.
- King County representatives will describe County policies and plans relating to incorporation.
- Boundary Review Board staff will describe incorporation criteria, procedures and timelines
- A panel of service providers (e.g., fire, sheriff, water, sewer) will address service plans for the proposed incorporation.
- Other government units (e.g., City of Renton) will have an opportunity to provide information relating to the incorporation proposal.
- Residents and property owners will have an opportunity to ask questions of the Fairwood Task Force, service providers, and other government officials.

- Residents and property owners may request modifications to the proposed incorporation boundaries to include (or exclude) their properties.
- Residents and property owners may speak in opposition to the proposed incorporation.

A. J. Culver will chair the meeting. Ethel Hanis will also represent our Board at this meeting. Lenora Blauman and Robert Kaufman, Special Assistant Attorney General, will provide information concerning Boundary Review Board requirements and processes.

Other Board members are welcome to attend the Public Meeting. Prior to the Public Meeting, packets including an Agenda and basic information concerning the incorporation will be provided to each Board member. The Meeting will take place at the Renton Technical Institute on December 16, 2004 at 6:30 P.M.

Following the meeting, the Task Force will establish the boundaries that will be the basis for the incorporation. Then the Task Force may begin to circulate petitions to collect signatures for the incorporation. In order to proceed with the incorporation, the petition must be signed by registered voters equal to ten percent of the number of voters residing within the proposed city. The Task Force anticipates completing this task within approximately 50 days.

Concurrent with the collection of petition signatures, King County will be conducting a basic Incorporation Study to address the various governance, service, and fiscal elements relating to the proposed incorporation. The study is due to be completed in Spring, 2005.

Immediately upon completion of the collection of petition signatures, the Fairwood Task Force may submit a formal Notice of Intention to the Boundary Review Board. The Task Force has been advised that the information that will be provided in the Incorporation Study is not required as a component of the Notice of Intention. However, the data provided in the Incorporation Study will likely be necessary for the Boundary Review Board to conduct the review of this proposed action as mandated by state law.

The Fairwood Task Force remains committed to completing the entire incorporation process by August 2005 so that an election can take place in November 2005.

City of Renton – Merritt II Annexation (File No. 2178): Mrs. Blauman stated that the continuation of the Merritt II Annexation public hearing will take place on December 15, 2004 at 7:00 p.m. at the Renton Technical Institute. On December 6th, an information packet was distributed to Board members.

Yesler Building Security Program: At a Yesler Building Safety Committee meeting earlier in the year, it was proposed that the Yesler Building security officer be relocated out of the "utility closet" into the open area next to the Yesler Building public entrance. This would provide a better security vantage point and more reasonable accommodations for the guard since the position has been approved for full-time occupancy. The space improvements would include new cameras aimed at both the Yesler St. and Terrace St. entrances. The King County Facilities Management Department -- which owns the Yesler Building and is, therefore, responsible for maintenance -- has agreed to undertake the construction of the improvements.

However, the County will require that Yesler Building tenants pay for the improvements as a one-time cost. The County will not fund the improvements as this upgrade is not considered as essential for protection of property or life.

The cost to the Boundary Review Board would be \$150.00. Facilities Management would like to do the proposed project during this final month of 2004 with each office's payment taken from remaining 2004 budget.

The Boundary Review Board staff does recommend the funding of the improvements because, at a modest fee, the proposed changes offer the best opportunity to address

some of the long-standing security concerns of building tenants and provide the officer on duty better resources with which to provide us a safer work environment.

American Planning Association National Conference 2005: Mrs. Blauman reported that the American Planning Association National Conference is scheduled for March/April in San Francisco. Mrs. Blauman requested that the Board determine whether or not Mrs. Blauman should represent the agency at that event.

Mrs. Blauman reported that if the Board wishes to support her participation in the conference it would be desirable to make that decision at this Regular Meeting so that she can secure advance (discounted) registration early in 2005.

*Action: Charles Booth moved and Roger Loschen seconded a motion to fund Mrs. Blauman's attendance at the American Planning Association Conference in March/April 2005. The Board supported this motion by a unanimous vote.*

#### **D. CORRESPONDENCE**

Correspondence was reviewed briefly. No questions or issues were raised with respect to the substance of the correspondence.

#### **V. NEW BUSINESS**

##### **A. NOTICES OF INTENTION**

File No. 2182 – City of Renton (Extension of Sewer Service Area Outside of Corporate Boundary Limits)

Mrs. Blauman briefly summarized the application from the City of Renton to extend sewer services to a 2222 acre territory outside of existing City limits (but within potential annexation area.). The territory includes currently developed land and land that is slated for future residential development. The Board raised no substantive questions concerning the application.

##### **B. PENDING FILES**

Auburn	Covington
Kent	Ronald Sewer District
Woodinville	Kirkland
Federal Way	Renton (4 files)
Tukwila	Redmond

#### **VI. ADJOURNMENT**

*Action: A. J. Culver moved and Michael Marchand seconded a motion to adjourn the Boundary Review Board Regular Meeting. The Board voted unanimously in favor of the motion. The meeting was adjourned at 6:15 p.m.*

## **SUMMARY OF REPORT OF CTED STUDY FINDINGS and RECOMMENDATIONS CONCERNING OBSTACLES TO AND STRATEGIES FOR LAND ANNEATIONS**

### *Statement of the Role of the Boundary Review Boards:*

The CTED Report states that the role of the Boundary Review Boards has changed since 1990 with the adoption of the GMA.

The CTED Report states that citizens, special purpose districts and other jurisdictions see the BRB as serving a key role in the annexation process, providing an impartial forum for addressing the orderly transfer of governance and provision of services.

The CTED Report states that BRB members also believe that they serve an important public education function for annexation. Boards can provide information and educate citizens about the costs and benefits of annexation when there is a lack of trust of an annexing city. Boards can also require cities, counties and special purpose districts to jointly plan and enter into interlocal agreements.

The CTED Report states that Boards are seen by some other cities to be an added layer of process that is obsolete owing to the adoption of the GMA. Survey respondents proposed narrowing or redefining the scope of the BRB.

The CTED Report states that the role of the Boards presents problems for some of the counties surveyed. The BRB process can add cost and uncertainty to annexations; two counties stated that it prevents annexation. The lack of agreement about these obstacles makes it difficult to generalize about the six counties' perspectives.

The CTED Report provided options and recommendations to address issues defined with respect to Boundary Review Board role and responsibilities, including:

### **OPTIONS:**

1. Elimination of Boundary Review Boards:
2. Allow annexation upon interlocal agreement without Boundary Review Board review
3. Revise the Boundary Review Board statute to be more consistent with GMA requirements
  - Revise the applicability of the goals and requirements of the GMA
  - Revise the applicability of the "urban in character" objective
  - Revise the applicability of the "abnormally irregular boundaries" objective
  - Create separate annexation methods for large and small annexations
4. Raise the Boundary Review Board threshold for small annexations
5. Further revise requirements for island annexations
6. Require county-wide planning policies to identify "potential annexation or incorporation areas" in the six counties
7. Restructure the public process to get special districts and citizens involved earlier
8. Enhance the Boundary Review Board's ability to engage citizens and provide impartial information regarding annexations

**RECOMMENDATIONS FOR ANNEXATION PROCESS – GROWTH MANAGEMENT, ANNEXATION AND BOUNDARY REVIEW BOARDS**

1. Limit Boundary Review Board review when joint planning and/or interlocal agreements have been achieved
2. Create more streamlined annexation methods for small annexations
3. Revise the petition method of annexation to 60 percent for both code and non-code cities and towns
4. Encourage counties to identify potential annexation and incorporation areas in their county-wide planning policies
5. Enhance the public process for designating UGAs and annexations